

REMARKS

Applicant acknowledges receipt of the Office Action dated August 17, 2009. Claims 104-124 are pending. Claims 104-108 and 115-124 stand withdrawn. Claims 109-114 stand rejected for the reasons set forth below.

With the present Amendment and Reply, Applicants present the following claim amendments:

- Claim 109 is amended to recite a method of improving the degree of efficacy of an active component or speed of action of an active component comprising the steps of providing an agricultural composition and applying the agricultural composition to a plant. The agricultural composition comprises at least one active and an adjuvant composition. The adjuvant composition comprises 20% by weight EDTA; 5% by weight dicocodimethyl ammonium chloride; 1% by weight cocodimethyl amine; and 7% by weight propylene glycol. The remainder of the adjuvant composition is water. Support this amendment is found throughout the specification including, but not limited to, paragraph [0142] of the published specification (Adjuvant 6).
- Claims 110 and 114 are amended to recite proper Markush groups as suggested by the Examiner.
- Claims 111-113 and 115-124 are cancelled.
- New claims 125-132 are introduced. Support for new claims 125-132 exists throughout the specification including, but not limited to, the following:

CLAIM	SUPPORT (published specification)
125	[0071]-[0127]
126	[0187] (Example 8)
127	[0187] (Example 8)
128	[205]-[206] (Example 11)
129	[205]-[206] (Example 11)
130	[217]-[218] (Example 16)
131	[217]-[218] (Example 16)
132	[217]-[218] (Example 16)

No new matter is presented. Applicants address the rejections set forth in the Office Action in the order in which they were presented.

Rejection Under 35 USC §112, First Paragraph

Claims 109-114 stand rejected under 35 USC §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner contends that the limitation of “about 20% by weight EDTA; about 5% weight dicocomethyl ammonium chloride; about 15% by weight cocodimethyl amine; and about 7% by weight propylene glycol” is new matter.

With the present Amendment and Reply, Applicants amend claim 109 to recite a method of improving the degree of efficacy of an active component or speed of action of an active component comprising the steps of providing an agricultural composition and applying the agricultural composition to a plant. The agricultural composition comprises at least one active and an adjuvant composition. The adjuvant composition comprises 20% by weight EDTA; 5% by weight dicocodimethyl ammonium chloride; 1% by weight cocodimethyl amine; and 7% by weight propylene glycol. The remainder of the adjuvant composition is water.

Applicants believe the present amendments to claim 109 overcome the rejection of claims 109-114 under 35 USC §112, first paragraph. Withdrawal of the rejection is respectfully requested.

Rejection Under 35 USC §112, Second Paragraph

Claims 109-114 stand rejected under 35 USC §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With the present Amendment and Reply, Applicants amend claim 109 to recite 1% by weight. Claims 110 and 114 are amended to recite proper Markush groups as suggested by the Examiner. Claim 113 is cancelled thereby obviating the rejection for reciting an application rate of 1.26 pt/ac. Claim 109 is amended to recite that the agricultural composition “comprises” at least one active and an adjuvant composition thereby allowing claim 114 to recite further additives.

Applicants believe the present claim amendments overcome the rejection of claims 109-114 under 35 USC §112, second paragraph. Withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicant believes the claims presented herein are in condition for allowance. Applicant does not believe an extension fee is due at this time, however, the Commissioner is hereby authorized to charge any fee deficiencies or credit any overpayment to Deposit Account No. 09-0528 (Attorney Docket No.: C241 1010.2).

Respectfully submitted,

Date: October 23, 2009



Mark D. Jenkins
Registration No.: 59,566
Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037
Direct Phone: (919) 484-2317
Fax: (919) 484-2096
E-Mail: mjenkins@wcsr.com